

Wetland/Riparian Policy
 Deadline: 4/19/07, 12 noon

From: <WMCats@aol.com>
To: <commentletters@waterboards.ca.gov>
Date: Thu, Apr 5, 2007 2:00 PM
Subject: Wetland and Riparian Area Protection Policy



In reference to the meeting on the "Wetland and Riparian Area Protection Policy" in Sacramento, I believe that California has been given an opportunity to utilize proper science to set an example to other states, the federal government and even other countries, to provide more encompassing protections of at least what little is remaining.

- As a scientist and analytical chemist, I have at least 30 years of experience developing analytical methods and analyzing waters and other environmental samples, including writing proposals for EPA guidelines in sampling, analysis and validation studies for scientific data.

In my more recent experience with local groups, I am very disappointed with the influence of the current Administration and the impact of recent Federal court cases. Even now the Bush Administration proposes to veto a number of needed water bills, citing the cost as "unrealistic in the current fiscal environment", and we know who continues to create that environment. Consequently, it is up to more intelligent sources and states such as California to advance protections through proper science, where, for example, your proposed ALTERNATIVE #4 addresses many of the necessary improvements.

In your proposals, I believe it is important to expand the DEFINITION AND JURISDICTION over wetland and riparian environments, including BOUNDARIES associated with encroaching development (e.g., NWRA emphasis). These definitions have been undermined and eroded through lawsuits with subsequent appeals, and even in cities promoting development. Examples are in recent Federal court cases, through actions such as the SWANC decision and Cargill Corporation's bay land activities in San Francisco (e.g. CCCR appealed lawsuit). Obfuscating and confusing interpretations of definitions were used to usurp CWA influence about what is a water of the US, what is navigable, adjacency, etc. which are diversions from the preponderance of scientific evidence that should be utilized though the influence of policies and regulations.

LAND AND VEGETATION CLEARING activities, as you addressed, historically have often been circumvented by the land owner, especially in the cases of grading and landfill that is performed without permits or jurisdiction to bypasses the Core of Engineers (San Francisco bay land examples). Google Earth can reveal great details of these activities. The jurisdiction of these agencies needs to be expanded, with protocols to follow, with mapping details, controls to limit impact on adjacent wetlands and riparian habitat (e.g. greater boundary protections from development), all with an improved system of public notification as well.

MITIGATION and its requirements have too many loopholes as revealed in certain mitigation exchanges, in spite of "no net loss" and long-term net gain in quantity and quality of wetlands and riparian areas, and the need for stewardship—and conservation. Including more specific and scientific requirements is necessary.

HABITAT PROTECTION also needs to be addressed, as it is shrinking but is "interrelated" to quantity and quality of wetlands, just as the emphasis on "sustainability" of land in agriculture is also needed for waters, wetlands and riparian areas in general. The biological health and vitality of habitats for wildlife is clearly all inclusive in these jurisdictions and needs to be further emphasized, as we see the continual decline of many species throughout this planet.

Wayne W. Miller